

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NORTH AMERICAN CAPACITY INSURANCE      No. C 03-05521 SBA  
COMPANY,

Plaintiff,

v.

TURNER CONSTRUCTION CO., et al.,

Defendants.

**ORDER**

[Docket No. 63]

By Order of March 10, 2005, the Court dismissed this action and provided that any party may move within forty-five (45) days of the date of the Order to reopen the case in the event that settlement had not been reached [Docket No. 63].

On April 20, 2005, Plaintiff North American Capacity Insurance Company ("North American") filed a timely request to modify the Court's Order of March 10, 2005. North American's request indicates that the parties have reached a settlement, but have not yet finalized the settlement agreement. North American requests modification of the Court's March 10th Order to provide that the case will be dismissed with prejudice unless reopened by May 25, 2005.

For good cause shown,

IT IS HEREBY ORDERED that the parties have until May 25, 2005 to finalize the settlement. In the event that settlement is not reached, any party may move to reopen the case and the trial will be rescheduled, provided that such motion is filed on or before May 25, 2005.

IT IS SO ORDERED.

Dated: 4-25-05

/s/ Sandra Brown Armstrong  
SAUNDRA BROWN ARMSTRONG  
United States District Judge